

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

DR. ROBERT W. MALONE)	
)	
Plaintiff,)	
)	
v.)	<u>Case No. 3:22CV00046</u>
)	
)	
WP COMPANY, LLC)	TRIAL BY JURY
d/b/a The Washington Post)	IS DEMANDED
)	
Defendant.)	
)	

COMPLAINT

Plaintiff, Dr. Robert W. Malone (“Plaintiff” or “Dr. Malone”), by counsel, pursuant to Rule 3 of the Federal Rules of Civil Procedure, files the following Complaint against Defendant, WP Company, LLC d/b/a The Washington Post (“WaPo”).

Plaintiff seeks (a) compensatory damages and punitive damages in the total sum of **\$50,350,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from January 24, 2022 to the date of Judgment at the rate of six percent (6%) per year pursuant to § 8.01-382 of the Virginia Code (1950), as amended (the “Code”), and (c) court costs pursuant to Title 28 U.S.C. § 1920 – arising out of WaPo’s defamation, defamation by implication and insulting words.

I. INTRODUCTION

1. Robert Malone is a licensed medical doctor living in Madison County, Virginia. He is a world-renowned scientist and expert in the field of mRNA technology. He was the leading contributor to the science exploited by Pfizer and other pharmaceutical corporations to create the alleged “vaccines” for the novel coronavirus (“COVID-19”). On January 24, 2022, WaPo published an article on its website, entitled **“A vaccine scientist’s discredited claims have bolstered a movement of misinformation”**. [<https://www.washingtonpost.com/health/2022/01/24/robert-malone-vaccine-misinformation-rogan-mandates/> (the “Article”)]. In the Article, WaPo falsely accused Dr. Malone of fraud, disinformation, dishonesty, deception, lying to the American public, lack of integrity, immorality and ethical improprieties. The gist of the Article is that Dr. Malone is unfit to be a medical doctor and scientist. WaPo exposed Dr. Malone to public ridicule, scorn, and contempt, and severely prejudiced Dr. Malone in his employment.

2. In this case, Dr. Malone seeks presumed damages, actual damages for injury to reputation (past and future), insult, pain and mental suffering (past and future), special damages, including lost income, career damage and impairment of future earnings capacity, and punitive damages as a result of WaPo’s statements and actions.

II. PARTIES

3. Dr. Malone is a citizen of Virginia. Prior to publication of the Article, WaPo was well-aware of Dr. Malone’s expertise and experience. WaPo intentionally ignored Dr. Malone’s credentials and stature, and chose to impugn his standing in the medical and scientific communities. Dr. Malone is an internationally recognized

scientist/physician and the original inventor of mRNA vaccination as a technology, DNA vaccination, and multiple non-viral DNA and RNA/mRNA platform delivery technologies. He holds numerous fundamental domestic and foreign patents in the fields of gene delivery, delivery formulations, and vaccines: including for fundamental DNA and RNA/mRNA vaccine technologies. Dr. Malone has approximately 100 scientific publications with over 12,000 citations of his work (per Google Scholar with an “outstanding” impact factor rating). He has been an invited speaker at over 50 conferences, has chaired numerous conferences, and has sat on or served as chairperson on Health and Human Services (HHS) and Department of Defense (DoD) committees. He currently sits as a non-voting member on the National Institute of Health Accelerating COVID-19 Therapeutic Interventions and Vaccines (NIH ACTIV) committee, which is tasked with managing clinical research for a variety of drug and antibody treatments for COVID-19. Dr. Malone received his medical degree from the Northwestern Feinberg School of Medicine. He completed the Harvard Medical School fellowship as a global clinical research scholar in 2016 and was scientifically trained at the University of California at Davis, the University of California at San Diego, and at the Salk Institute Molecular Biology and Virology laboratories. He has served as an assistant and associate professor of pathology and surgery at the University of California at Davis, the University of Maryland, and the Armed Forces University of the Health Sciences. [<https://www.rwmalonemd.com/>]. Dr. Malone’s mission is to ensure vaccine safety, make sure that children are protected, stop and/or limit harmful vaccine mandates, and identify and teach about life-saving treatments for COVID-19 and other pandemics. His goal is to save lives. Dr. Malone’s advocacy started with his own experiences and

concerns regarding the safety and bioethics of how the COVID-19 genetic vaccines were developed and forced upon the world. He discovered short-cuts, database issues, obfuscation and, frankly, lies told in the development of the Spike protein-based genetic vaccines for SARS-CoV-2. Personal first-hand experiences identifying, developing, and trying to publish peer-reviewed academic papers focused on drug repurposing and the rights of physicians to practice medicine, as well as what he has seen close colleagues go through, further influenced him in his mission. Finally, as unethical mandates for administering experimental “vaccines” to adults and children began to be pushed by governments (and private employers), his research into authoritarian control by governments that are being manipulated by large corporations (including finance, pharmaceutical, media and technology companies) influenced his changing world view.

4. WaPo is a limited liability company organized and existing under the laws of the State of Delaware with its principal places of business in Virginia and Washington, D.C. WaPo’s sole member is Nash Holdings, LLC, a Delaware limited liability company, whose sole member is billionaire Jeff Bezos. Bezos is a citizen of Washington State. None of WaPo’s members is a citizen of Virginia. Published in Springfield, Virginia, the *Washington Post* has the largest print circulation (1,900,000+/week) in the Virginia/District of Columbia/Maryland area. WaPo has more than 1,500,000 digital subscribers in the United States. 19,700,000 people follow WaPo on Twitter. Over 7,172,017 people follow WaPo using Facebook. WaPo is at home in Virginia. WaPo is registered to transact business in Virginia (VA SCC Id. No. T0232795); it maintains a registered office and registered agent in Glen Allen, Virginia (Henrico County); it has offices and facilities and employees and agents throughout Virginia; it has millions of

subscribers in Virginia, including those who live and work in the Western District; it targets Virginians every minute of every day with advertisements of all kinds and earns hundreds of millions of dollars in annual revenues from its Virginia source customers. The Article at issue in this case was directed at a Virginia medical professional and scientist. Indeed, the Article prominently displays a photo of Dr. Malone on his farm in Madison.

III. JURISDICTION AND VENUE

5. The United States District Court for the Western District of Virginia has subject matter jurisdiction over this action pursuant to Title 28 U.S.C. § 1332 (Diversity). The parties are citizens of different States. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. WaPo is at home in Virginia and is subject to general personal jurisdiction in Virginia. *See, e.g., Witt v. Reynolds Metals Co.*, 240 Va. 452, 397 S.E.2d 873 (1990). WaPo is also subject to specific personal jurisdiction in Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4), as well as the Due Process Clause of the United States Constitution. WaPo engages in a persistent, continuous and ongoing course of conduct in Virginia. WaPo has minimum contacts with Virginia such that the exercise of personal jurisdiction over it comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution. Dr. Malone's claims directly arise from and relate to WaPo's publication of false and defamatory statements in Virginia, where Dr. Malone suffered injury to his reputation. *Calder v. Jones*, 465 U.S. 783 (1984); *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1984).

7. Venue is proper in this Court pursuant to Title 18 U.S.C. §§ 1391(b)(1) and (b)(2). The focus of the Article and key witnesses to Defendants' defamation and Dr. Malone's injuries reside in Virginia.

IV. STATEMENT OF MATERIAL FACTS

8. In the Article, WaPo knowingly published the following false facts:

No.	Defamatory Statement	Published By	Published To	Date
1	The headline falsely states that Dr. Malone's claims have been "discredited" and that his views constitute "misinformation";	WaPo	Subscribers/ Readers Twitter	01/24/2022
2	"Robert Malone stood on the steps of the Lincoln Memorial before thousands of anti-vaccine and anti-mandate demonstrators Sunday, [and] the medical doctor and infectious-disease researcher repeated the falsehoods that have garnered him legions of followers"	WaPo	Subscribers/ Readers Twitter	01/24/2022
3	"Regarding the genetic covid vaccines, the science is settled,' [Malone] said in a 15-minute speech that referenced the Rev. Martin Luther King Jr. and John F. Kennedy. 'They are not working.' The misinformation came two days after the Centers for Disease Control and Prevention released its first studies"	WaPo	Subscribers/ Readers Twitter	01/24/2022
4	Dr. Malone's "claims and suggestions have been discredited ... as not only wrong, but also dangerous"	WaPo	Subscribers/ Readers Twitter	01/24/2022

No.	Defamatory Statement	Published By	Published To	Date
5	““There is a huge market for misinformation ... The way he’s framed in the conspiracy-theory world is that he’s a courageous whistleblower rather than someone who is spreading misinformation — and it’s only enhancing his profile””	WaPo	Subscribers/ Readers Twitter	01/24/2022
6	While Malone is a brilliant scientist who has a tremendous amount of experience and knowledge about vaccines, “there is reason to be concerned about how his newfound stardom could be a public health risk”			
7	““there’s a risk we’re all facing when he’s not accurately representing the information””	WaPo	Subscribers/ Readers Twitter	01/24/2022
8	“On [the Joe Rogan Experience], he promoted an unfounded theory called ‘mass-formation psychosis,’ telling Rogan that a ‘third of the population [is] basically being hypnotized’ into believing what the mainstream media and Anthony S. Fauci ... report on the vaccines””	WaPo	Subscribers/ Readers Twitter	01/24/2022
9	““You have this individual [Dr. Malone] who has all these credentials and this history in the biomedical world, so that looks impressive. And he’s referencing a study that, on the face of it, may look impressive. But you don’t know that the study is fraudulent ... Malone has ‘weaponized bad research’””	WaPo	Subscribers/ Readers Twitter	01/24/2022

No.	Defamatory Statement	Published By	Published To	Date
10	“With his increased profile in recent weeks, some are calling on him to take a step back and reflect on the damage his misinformation is causing”	WaPo	Subscribers/ Readers Twitter	01/24/2022

(each a “Statement”, and collectively, the “Statements”).

9. In addition to publishing the Article in print and on its website, WaPo and its agents conspicuously published the Article to a third target audience – 19,703,612+ Twitter followers. [<https://twitter.com/washingtonpost/status/1485691929572655110> (19,700,000 followers); <https://twitter.com/TimBella/status/1485672407646064640> (3,612 followers)]. WaPo’s President even got in on the calumny and insulting words. [<https://twitter.com/sphills/status/1486026380982702081> (“You really can’t make this stuff up. Idiocracy¹ [sic] is here. A vaccine scientist’s discredited claims have bolstered a movement of misinformation”)].

10. Readers of the Article and followers of WaPo on Twitter immediately understood the Statements to convey the intended and endorsed defamatory gist and meaning: that Dr. Malone is a disreputable medical professional, that he should lose his license, that he is dishonest and dangerous, that he spreads lies and misinformation, and that he engages in fraud and disinformation, *see, e.g.:*

<https://twitter.com/EricTopol/status/1486049708229287937>

(“Profile of a leading force of Covid vaccine misinformation, Robert Malone. He asserts ‘vaccines are not working’ despite hard evidence: reduction of hospitalizations [sic] by 90% (vs Omicron, + 3rd shot), 99% reduction of death, #LongCovid, + more”);

¹ “Idiocracy” is a society or group that is controlled by or consists of people of low intelligence a/k/a idiots.

<https://twitter.com/KDeutsch/status/1486317336273506304>

(“I wonder if any trial lawyers are preparing wrongful death cases as his disinformation is causing them”);

<https://twitter.com/Polly77923363/status/1485752476049588236>

(“These bad actors need to start losing licenses and being held accountable for the misinformation they're spreading”);

<https://twitter.com/keithlaw/status/1488689511156572161>

(“Dr. Robert Malone, who has repeatedly misrepresented his own background (he didn't invent mRNA vaccines) and has become a major spreader of misinformation on vaccine safety and efficacy”);

<https://twitter.com/CaulfieldTim/status/1485663851093762048>

(“#RobertMalone has ‘weaponized bad research’ ... There is a huge market for #misinformation. Yep”);

<https://twitter.com/JackyNavajoNur1/status/1485983918503481352>

(“Malone is a total moron spreading misinformation ... & basking in the adulation. Shame, shame, shame”);

<https://twitter.com/SiebeforORD1/status/1487596885854408704>

(“His guests also include this anti-vaxx asshole whom he presented as a reputable source...”);

<https://twitter.com/JesselynRadack/status/1486006055066906624>

(“Full page takedown of @RWMaloneMD — an anti-vaxx disinfo diva & conspiracy theory celeb — and his ‘discredited, denounced & dangerous pseudoscience’”).

The Article was republished millions of times in Virginia, including by WaPo² and its agents and followers, by Politico and its agents and by many others, most notably Democratic Party operatives.

11. Read as a whole, the Statements represent an egregious attack on Dr. Malone's character, experience, standing in the medical community, and the truth. The

² Indeed, WaPo republished the Article on January 25, 2022 in a piece that accused Dr. Malone of spreading “dangerous lies”, “dangerous falsehoods”, “misinformation”, and “untruths”. WaPo went so far as to accuse Dr. Malone of “leading his followers on a journey to illness, suffering and possible death”. [<https://www.washingtonpost.com/opinions/2022/01/25/vaccine-doubters-deserve-answers-not-dangerous-lies/>].

Statements are materially false and unjustifiable. The qualities WaPo disparaged – Dr. Malone’s honesty, veracity, integrity, competence, judgment, morals and ethics as a licensed medical doctor and scientist – are peculiarly valuable to Dr. Malone and are absolutely necessary in the practice and profession of any medical doctor and scientist. WaPo ascribes to Dr. Malone conduct, characteristics and conditions, including fraud, disinformation, misinformation, deception and dishonesty, that would adversely affect his fitness to be a medical professional and to conduct the business of a medical doctor. [*Lindeman v. Lesnick*, 268 Va. 532, 537, 604 S.E.2d 55 (2004) (\$350,000 in compensatory and \$75,000 in punitive damages awarded for defamation against doctor, including false statements that the doctor “appear[s] to be ‘in the pocket’ of employers and Workman’s Comp carriers”; *see also Menkowitz v. Peerless Publications, Inc.*, 653 Pa. 573, 576, 211 A.3d 797 (2019) (jury awarded \$1,000,000 in compensatory damages, where article stated that plaintiff doctor’s “sudden absence from the hospital has spawned rampant rumors of professional misconduct regarding his treatment of an older female patient”); *Allstate Ins. Co. v. Dodson*, 2011 Ark. 19, 376 S.W.3d 414, 426, 434 (2011) (“this compensatory damage award of \$6 million does not shock the conscience of this court or demonstrate passion or prejudice on the part of the jury … [W]hen balanced against the reprehensibility of the conduct and the ratio of punitive to compensatory damages of only 2.5:1, we fail to see a Due Process violation under the *Gore* standards in the jury’s award of \$15 million in punitive damages”); *Topper v. Widwest Div., Inc.*, 306 S.W.3d 117, 124 (Mo.App. 2010) (“the jury awarded Dr. Topper \$1,000,000 in actual damages and assessed \$250,000 in punitive damages”); *Bongiovi v. Sullivan*, 122 Nev.

556, 138 P.3d 433, (Nev. 2006) (jury verdict in favor of plaintiff surgeon for \$250,000 in compensatory damages and \$250,000 in punitive damages)].

12. On June 7, 2022, Dr. Malone served WaPo with written notice advising WaPo that the Statements in the Article were false and defamatory and demanding that the Statements be retracted and/or corrected and removed from the Internet. WaPo refused to retract or to make any corrections. Instead, WaPo's chose to increase Dr. Malone's damages by republishing the Article.

COUNT I – DEFAMATION

13. Dr. Malone restates paragraphs 1 through 12 of this Complaint, and incorporates them herein by reference.

14. WaPo made, published and republished numerous false factual Statements of and concerning Dr. Malone. These false Statements are detailed verbatim above. WaPo published the false Statements without privilege of any kind.

15. Dr. Malone's statements concerning COVID-19 and the purported "vaccines" were 100% factually accurate. He has never committed fraud or engaged in any medical disinformation or misinformation. Further, the so-called "vaccines" do not work, as is abundantly clear from both the scientific and anecdotal evidence to date.

[\[https://www.foxnews.com/opinion/tucker-carlson-bidens-covid-19-positive-test-steps-vaccine-message\]](https://www.foxnews.com/opinion/tucker-carlson-bidens-covid-19-positive-test-steps-vaccine-message) (double-vaccinated Joe Biden who has also received "booster" shots contracts COVID twice, back-to-back); <https://nypost.com/2022/06/29/dr-fauci-reveals-covid-rebound-after-pfizers-paxlovid-treatment/> (quadruple-vaccinated Anthony Fauci gets COVID); <https://abcnews.go.com/Politics/wireStory/defense-secretary-austin-positive-covid-time-88405084> (despite being fully vaccinated and having received two

boosters, Defense Secretary Lloyd Austin gets COVID again)]. Comparing WaPo's false Statements to the truth, it is beyond peradventure that the Statements are materially false. *Compare Nunes v. W.P. Company*, 2021 WL 3550896, at * 4 (D. D.C. 2021) ("A reasonable juror could conclude that there is a material difference between stating that Nunes had made a claim supported by evidence (that the Obama administration had undertaken intelligence activities related to individuals involved in the Trump campaign) and stating that Nunes had made a baseless claim (that the Obama administration had wiretapped Trump Tower). A reasonable juror could therefore conclude that the article was materially false because it stated that Nunes had made such a baseless claim (when he had not)."); *see also Bustos v. A&E Networks*, 646 F.3d 762, 767 (10th Cir. 2011) (Gorsuch, J.) ("Comparing the challenged defamatory statement (membership in the Aryan Brotherhood) to the truth (conspiring with and aiding and abetting the Aryan Brotherhood), we cannot see how any juror could find the difference to be a material one—that is, likely to cause a reasonable member of the general public to think significantly less favorably of Mr. Bustos").

16. The false Statements constitute defamation *per se*. The statements accuse and impute to Dr. Malone an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment, including disinformation, misinformation, deception, dishonesty, deceit, fraud, malfeasance, malpractice, lack of ethics, lack of veracity, and independently tortious acts. The Statements are highly prejudicial to Dr. Malone in his profession and employment as a medical doctor and scientist.

17. By publishing the Article on the Internet and by tweeting the Article to over 19,700,000 followers on Twitter, WaPo knew or should have known that the Statements would be republished over and over by third-parties to Dr. Malone's detriment. Republication by WaPo and its agents' followers, by WaPo subscribers, by the mainstream media, and by users of Twitter was the natural and probable consequence of WaPo's actions and was actually and/or presumptively authorized by WaPo. In addition to its original publications in print, online and on Twitter, WaPo is liable for the millions of republications of the false and defamatory statements by third-parties under the republication rule. *Weaver v. Beneficial Finance Co.*, 199 Va. 196, 199-200, 98 S.E.2d 687 (1957); *Moore v. Allied Chemical Corp.*, 480 F.Supp. 364, 376 (E.D. Va. 1979).

18. WaPo's Statements harmed Dr. Malone and his reputation, causing presumed damages, actual damages, special damages and pecuniary loss. In addition to the pain, suffering, insult, embarrassment, humiliation, and injury to his personal and professional reputations, publication of the Article caused Dr. Malone to lose business and income, lost public appearances due to perceived reputational risk, and other special damages, including career damage, including loss of future employment, loss of future earnings, impaired and diminished earning capacity, and impact upon his prospects for career advancement. In sum, Dr. Malone has suffered damage to his property, business, trade, profession and occupation because of WaPo's defamation.

19. WaPo published the Statements with actual or constructive knowledge that they were false or with reckless disregard for whether they were false. WaPo acted with actual malice and reckless disregard for the truth:

a. Prior to publication of the Article, WaPo knew the Statements were false and harbored serious doubts as to the veracity of the Statements and sources. First, WaPo knew from its research and prior reporting that Dr. Malone's statements about COVID, the "vaccines" and the "vaccine" mandates were 100% factual and correct, and that the accusations of "misinformation", "fraud" and lying were false. Second, given Dr. Malone's stature, which was well-known to WaPo by, *inter alia*, its review of Dr. Malone's website and its interview of Dr. Malone at his farm in Virginia, WaPo knew that the Statements were so improbable that only a reckless person would put the Statements in circulation. Third, WaPo blindly relied upon and republished statements of "sources" that WaPo knew were unreliable, including sources known to be wildly biased and to have an axe to grind against Dr. Malone and who were intent on ruining his reputation. *See, e.g., AdvanFort Co. v. Maritime Executive, LLC*, 2015 WL 4603090, at * 8 (E.D. Va. 2015) ("If, in fact, TME knew of the bad blood between Plaintiffs and Defendant Cartner, it would have indeed had obvious reason to doubt Cartner's veracity and the accuracy of his statements given the blatantly hostile and sarcastic tone of the Article."). Fourth, WaPo fabricated the Statements and made up facts out of whole cloth, including that the "vaccines" work and that Dr. Malone continued to published "falsehoods" in spite of his knowledge of the CDC's "first positions". WaPo did not have one shred of evidence to support its baseless claims that Dr. Malone committed "fraud" and published and republished disinformation. In spite of its actual knowledge of the truth, WaPo misreported flat out lies.

b. WaPo manufactured the story line and coordinated the false narrative with the Biden Administration and its agents and operatives with the specific

purpose to target Dr. Malone. WaPo consciously published false Statements that fit its preconceived narrative about fraud, disinformation and misinformation. WaPo falsified facts about Dr. Malone to fit the narrative.

c. WaPo and its editors made the conscious choice prior to publication to abandon all journalistic standards and integrity, including WaPo's own code of ethics. WaPo did not seek the truth or report it. Rather, WaPo betrayed the truth for the sake of its institutional bias and desire to support the political operations and machinations of the Biden Administration. Rather than minimize harm, WaPo set out to inflict maximum pain and suffering on Dr. Malone in order to harm his reputation. Dr. Malone was simply a target because he spoke truths that ran contrary to the misstatements about COVID-19 published by the Biden Administration and its agents. WaPo never once considered the long-term implications of the extended reach and permanence of the false Statements.

d. As is evidenced by the sheer number and nature of the hit pieces published by WaPo since 2020, WaPo and its agents harbor an institutional hostility, hatred, extreme bias, spite and ill-will towards Dr. Malone and other medical professionals, including Dr. Peter McCullough, who speak the inconvenient truth about COVID-19 and the so-called "vaccines". This bias and prejudice motivated WaPo to publish intentionally false statements about Dr. Malone. WaPo intended to inflict harm on Dr. Malone through knowing or reckless falsehoods.

e. WaPo purposely evaded the truth by refusing to consult or to even consider the scientific evidence that supported Dr. Malone's statements.

f. WaPo and its agents reiterated, repeated and excessively published and republished the false and defamatory Statements about Dr. Malone after Dr. Malone notified WaPo that the Statements were false and defamatory. *Nunes v. Lizza*, 12 F. 4th 890, 901 (8th Cir. 2021) (“‘Republication of a statement after the defendant has been notified that the plaintiff contends that it is false and defamatory may be treated as evidence of reckless disregard.’ Restatement (Second) of Torts § 580A cmt. d (Am. L. Inst. 1977). Lizza tweeted the article in November 2019 after Nunes filed this lawsuit and denied the article’s implication. The pleaded facts are suggestive enough to render it plausible that Lizza, at that point, engaged in ‘the purposeful avoidance of the truth.’”). On July 30, 2022, for instance, WaPo published yet another online article, entitled “**Conservatives skeptical of coronavirus vaccines battle to lead a hospital**” [<https://www.washingtonpost.com/nation/2022/07/30/florida-hospital-conservatives-sarasota-election/>] in which it republished the Article and falsely repeated that Dr. Malone “spread discredited information about coronavirus vaccines”.

20. As a direct result of WaPo’s defamation, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$50,000,000.00.

COUNT I – DEFAMATION BY IMPLICATION

21. Dr. Malone restates paragraphs 1 through 20 of this Complaint, and incorporate them herein by reference.

22. The strong gist and implication of the Statements is that Dr. Malone is intentionally dishonest, deceitful, immoral, unethical and dangerous, and that he is unfit to practice medicine.

23. WaPo carefully chose its words and purposefully misrepresented facts. In the Article, WaPo juxtaposed a series of facts so as to imply a defamatory connection between them, including that Dr. Malone published statements with knowledge of falsity. In addition, WaPo left out material facts, including the scientific basis of Dr. Malone's statements, in a way that intentionally conveyed a false meaning and that rendered the challenged Statements in the Article defamatory. The Article's click-bait headline, its repeated emphasis upon "fraud" and "misinformation", and the manner in which the Article presents the discussion of COVID-19 and the "vaccines", including the use of photographs of Dr. Malone, permits a plausible inference that WaPo intended or endorsed the defamatory implication.

24. WaPo's Statements constitute defamation by implication.

25. As a direct result of WaPo's defamation by implication, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$50,000,000.00.

COUNT III – INSULTING WORDS

26. Dr. Malone restates paragraphs 1 through 25 of this Complaint, and incorporates them herein by reference.

27. WaPo's insulting words, in the context and under the circumstances in which they were spoken and written, tend to violence and breach of the peace. Like any reasonable person, Dr. Malone was humiliated, disgusted, angered and provoked by the insulting words.

28. WaPo's words, including its direct and powerful accusations of "fraud" and medical disinformation levelled at an acknowledged expert, are fighting words, which are actionable under § 8.01-45 of the Virginia Code (1950), as amended.

29. As a direct result of WaPo's insulting words, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$50,000,000.00.

Dr. Malone alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. He believes that substantial additional evidentiary support, which is in the exclusive possession of WaPo and its agent, including WaPo's current President, and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Dr. Malone reserves his right to amend this Complaint upon discovery of additional instances of WaPo's wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Dr. Malone respectfully requests the Court to enter Judgment against WaPo as follows:

- A. Compensatory damages in a sum determined by the Jury, but not less than \$50,000,000.00;
- B. Punitive damages in an amount to be determined by the Jury, but not less than \$350,000.00;
- C. Prejudgment interest at the rate of six percent (6%) per annum until paid;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Costs and other recoverable amounts as allowed by law;
- F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: August 19, 2022

DR. ROBERT W. MALONE

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